

EMERGENCY REGULATION

6 VAC 35-20-37

REGULATIONS GOVERNING THE MONITORING, APPROVAL, AND
CERTIFICATION OF JUVENILE JUSTICE PROGRAMS

Virginia Board of Juvenile Justice

6 VAC 35-20-37. Director's authority to take immediate administrative action.

A. Nothing in this regulation shall be construed to limit the director's authority to take immediate administrative action in accordance with law whenever (i) evidence is found of any life, health, or safety violation or (ii) a program is not in substantial noncompliance with board-approved standards, policies, or local plan for Virginia Juvenile Community Crime Control Act programs. Such administrative action may include, but is not limited to (a) withholding funds; (b) removing juveniles from the program; or (c) placing the program on administrative probation for up to six months pending certification action by the board. In taking such action, the department shall notify ~~both~~ the program, the administrative entity that the program reports to, and the board, in writing, of the reason for the administrative action; and the action the program must take to correct the situation.

B. Pursuant to the provisions set forth in § 66-24 of the Virginia Code and in addition to any other legally authorized disciplinary actions, the director may issue a summary order of suspension of the license or certificate of any group home or residential facility so regulated by the department, in conjunction with any proceeding for

REGULATIONS GOVERNING THE MONITORING, APPROVAL, AND
CERTIFICATION OF JUVENILE JUSTICE PROGRAMS

Page 2 of 3

revocation, denial, or other action, when conditions or practices exist in the home or facility that pose an immediate and substantial threat to the health, safety, and welfare of the juveniles who are residents and the director believes the operation of the home or facility should be suspended during the pendency of such proceeding.

1. The summary order of suspension shall take effect upon its issuance.
 - a. The summary order of suspension shall be served on the licensee or certificate holder or its designee as soon as practicable by personal service and certified mail, return receipt requested, to the address of record of the licensee or certificate holder.
2. The licensee or certificate holder shall be afforded the opportunity for a hearing before the director or his designee.
 - a. The summary order of suspension shall state the time, date, and location of a hearing to determine if the suspension is appropriate.
 - b. The hearing shall be held no later than three business days after the issuance of the summary order of suspension and shall be convened by the director or his designee.
3. The director must find reasonable grounds to issue a final order of summary suspension or may find that such summary suspension is not warranted by the facts and circumstances presented.
 - a. A final order of summary suspension must be in writing. The final order of summary suspension shall be served on the licensee or certificate holder or its designee as soon as practicable by personal service and

REGULATIONS GOVERNING THE MONITORING, APPROVAL, AND
CERTIFICATION OF JUVENILE JUSTICE PROGRAMS

Page 3 of 3

certified mail, return receipt requested, to the address of record of the licensee or certificate holder.

b. A final order of summary suspension shall include notice that the licensee or certificate holder may appeal the director's decision to the appropriate circuit court no later than 10 days following issuance of the order.